IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

S.B. CIVIL WRIT PETITION NO.8135/2007

(S.D. Shira V/s Union of India & Ors.)

Date : 17.12.2007

HON'BLE MR. SANGEET LODHA,J.

Mr. Hemant Jain, for the petitioner(s).
Mr. M.S. Godara, for the respondent (s).

BY THE COURT:-

The petitioner was employed in the Border Security Force as Head Constable(Being No. 84966024 "D" Coy 105 Bn BSF attached with 85 Bn BSF). On 07.08.2003, a F.I.R. was registered against the petitioner at Police Station, Kesrisinghpur, for the commission of offences punishable under Sections 302, 307 and 382 of Indian Penal Code. After investigation, the police submitted the charge-sheet against the petitioner on 16.09.2003. Thereafter, vide order dated 05.12.2003, the case was handed over by the learned Additional Chief Judicial Magistrate, Srikaranpur to the Border Security Force for disposal in accordance with the provisions of Border Security Force Act and Rules made thereunder. The petitioner was tried by General Security Force Court and was convicted for the commission of

offences under Section 302, 307 and for committing theft of property belonging to the Government. Accordingly, the petitioner was sentenced to suffer imprisonment for life by the General Security Force Court. The petitioner was also ordered to be dismissed from service. After confirmation of the sentence by the competent authority i.e. Inspector General Rajasthan Frontier, BSF, Jodhpur, the sentence was promulgated on 19.11.2004 and the petitioner was handed over to Central Jail, Sriganganagar on the same day.

The grievance of the petitioner is that he has not been served with the GSFC proceedings and therefore, he has not been able to file appeal against the order of conviction. Notice for demand of justice served by the petitioner through his counsel for supply of the copy of the proceedings of GSFC has been replied by the respondents vide communication dated 29th September, 2006 sent by Deputy Inspector General SHQ BSF, Jaisalmer-North, whereby the counsel for the petitioner has been informed that a copy of the GSFC proceedings which contains the details relating to the case, has already been handed over to the petitioner.

Assuming that the copy of the GSFC proceedings has already been handed over to the petitioner, even then there is no reason as to why a copy of the said proceedings may not be made available to the petitioner afresh for the purpose of filing

an appeal against the order of conviction.

Thus on the facts and in the circumstances of the case, the respondents are directed to supply the copy of the GSFC proceedings to the petitioner within a period of one week from the date of this order.

The registry is directed to send the certified copy of this order to the respondent no. 4, forthuwith.

The writ petition stand disposed of, accordingly.

No order as to costs.

(SANGEET LODHA), J.

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